INVESTIGATIVE SUMMARY

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TYPE OF INCIDENT: SIGNIFICANT USE OF FORCE - CANINE BITE
IAB FILE NUMBER: FO2065057
URN: 402-13237-1352-062 / 602-13121-1352-038
LOCATION: [redacted] 216th Street, Hawaiian Gardens
DATE/TIME: May 29, 2002 @ 2300 Hours

OPENING STATEMENT:

On Thursday, May 30, 2002, I (Sergeants Brian Morris, of Internal Affairs Bureau) was assigned to review the circumstances surrounding an incident wherein a Sheriff's canine bit a Carjacking suspect, during the man's capture, in the City of Hawaiian Gardens (Lakewood Station's area). The incident proceeded a neighborhood containment and search by deputies and two Special Enforcement Bureau canine units. The incident occurred at approximately 2300 hours the day before (May 29, 2002). Because of the time lapse, no I.A.B. investigators responded to the scene.

> **I.A.B. Note:** Routinely, the review of canine bite incidents are conducted by the Special Enforcement Bureau Canine Sergeant. In keeping with that procedure, Sergeant Robert Guilbault #[redacted] (S.E.B. K-9 Sergeant) began the review process on the night of the incident.

This dog bite resulted in the suspect having a portion of his right ear severed by the dog. On May 30, 2002, based on the level of injury, the Special Enforcement Bureau command staff requested the Internal Affairs Bureau/Force Roll-Out Team conduct the review of this incident. I went to the Special Enforcement Bureau, contacted Sergeant Guilbault, and collected the initial information and documents relating to the incident.

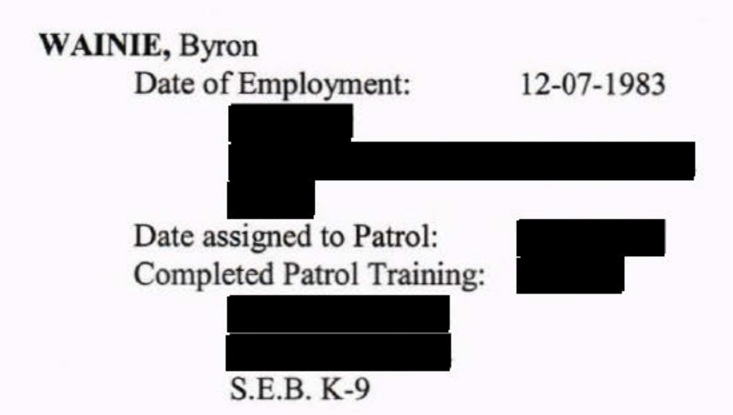
There are two separate First Reports related to this incident. The first is 602-13121-1352-038. This report details the original Carjacking, which occurred on May 29, 2002, at 0030 hours. The second is 402-13237-1352-062. This report, and Supplementary Reports to it, details the events leading up to and including the capture of the suspect.

INVOLVED PERSONNEL:

> **WAINIE,** Byron Deputy [redacted]
> **(CANINE REX, P-84)**

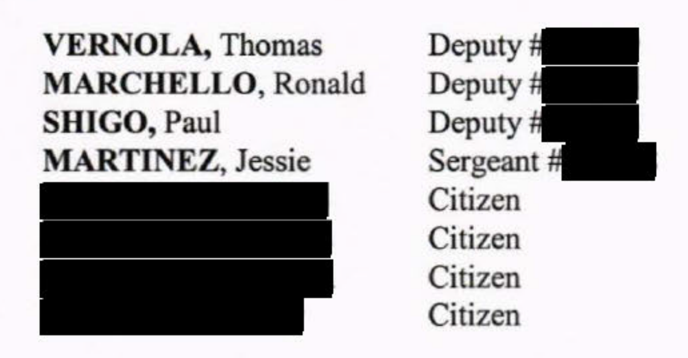


EMPLOYEE WORK HISTORY:



WAINIE, Byron
Date of Employment: 12-07-1983
[redacted]
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
[redacted]
S.E.B. K-9

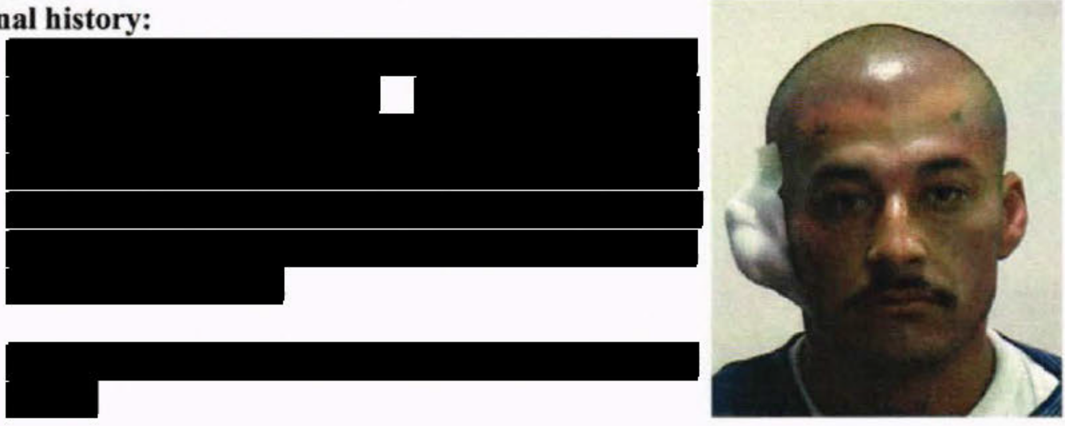
WITNESSES:



VERNOLA, Thomas	Deputy #[redacted]
MARCHELLO, Ronald	Deputy #[redacted]
SHIGO, Paul	Deputy #[redacted]
MARTINEZ, Jessie	Sergeant #[redacted]
[redacted]	Citizen
[redacted]	Citizen
[redacted]	Citizen
[redacted]	Citizen

SUSPECT:

ARREDONDO, David, MH/25 (D.O.B. 03-15-1977)
Booking # 7298844
Criminal history:



[redacted]

INVOLVED EMPLOYEES' STATEMENTS:

Deputy Byron Wainie: Deputy Wainie reported that he responded to the 12200 Block of Tilbury Street, in Hawaiian Gardens, regarding Lakewood Station personnel who had been in a pursuit of two outstanding carjacking suspects. He reported he went to the command post and spoke to

unidentified Lakewood personnel who informed him of the circumstances of the Carjacking, and the suspects description (2 male Hispanics, bald heads, 20-25, dark clothing, one or both had numerous tattoos from the neck up).

The suspects were last seen running north through the residences on the north side of Tilbury Street. Deputy Wainie reported that based on the nature of the crime (armed carjacking) and the fact the suspects were possibly armed gang members, S.E.B. K-9 sergeant, Sergeant Robert Guilbault authorized the deployment of two canines to search for the suspects.



Deputy Ernie Burwell (another K-9 unit) drove through the containment area and made numerous "canine announcements," in both English and Spanish, from his patrol car's P.A. system. These announcements are pre-recorded and played back from audio tape.

> **I.A.B. Note:** Deputy Wainie provided me with a copy of the pre-recorded "K-9 Deployment Announcement." It has been digitally recorded and is maintained with the other digital files related to this case. The announcement is as follows: *"Attention in the area! This is the Sheriff's Department. We are searching for a felony suspect and are preparing to deploy a police dog. For your safety, please go inside your homes and stay inside until we leave the area or give an "all-clear." I am now speaking to the individual who is hiding from the police. Give yourself up now to the nearest deputy or police officer and you will not be harmed. If you do not, a police dog will be used to find you. The dog will find you. When the dog finds you, you may be bitten. Come out now with your hands up. Surrender now to the nearest officer and you will not be harmed."*

Deputy Wainie submitted a Supplementary Report (Exhibit-B) which details his search of the area with Deputies Ron Marchello (#[redacted]) and Paul Shigo (#[redacted]) and Sergeant Jessie Martinez (#[redacted]). Ultimately the search led the deputies and sergeant to [redacted] 216th Street.

> **I.A.B. Note:** [redacted] 216th Street is located on the south side of the street adjacent to an alley. The front of the house faces north and the detached garage faces west.

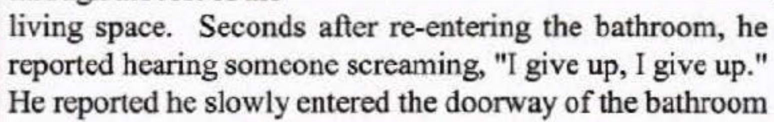
Deputy Wainie reported he noticed the rear window of the garage was wide open and he saw the screen had been tore away from the window. Deputy Marchello knocked on the door of the garage. A male answered and Deputy Marchello spoke to him in Spanish. This man and his family were directed out of the garage which was converted into living area, and directed to the street in front of the house. Deputy Wainie reported that before leaving, he told Deputy Marchello that they were the only ones inside the garage.



South window of garage

Deputy Wainie reported that he made several canine announcements in a loud and clear voice inside this garage. He did not get any response from inside. He reported he instructed Rex to search the garage. He watched his dog enter what appear to be a small bedroom and then a bathroom. He reported he could hear Rex drinking water from the toilet. Seconds later, Rex exited the bathroom. He instructed the dog back into the bathroom because he believed it continued through the rest of the living space. Seconds after re-entering the bathroom, he reported hearing someone screaming, "I give up, I give up." He reported he slowly entered the doorway of the bathroom and saw Suspect Arredondo lying on the floor of the shower. Rex had set a bite on his right arm just above the elbow. Arredondo's hands were in plain view and he reported he could see he was not armed. Arredondo was also bleeding from his right ear. Arredondo was apparently laying in the shower hiding, with the curtain drawn. Rex was on the bite approximately 3-5 seconds.

[redacted]





WITNESSES STATEMENTS:

Deputy Thomas Vernola #[redacted]

[redacted]

On Tuesday, July 30, 2002, at about 1201 hours, I interviewed Deputy Tom Vernola. The interview was digitally recorded.

Deputy Vernola said on May 29, 2002, he was assigned to one of two search teams with canine units, to search for carjacking suspects. The canine handler he accompanied was Deputy Ernie Burwell. He said the team he was assigned to was searching one street and another team, with Deputy Wainie and his canine, was searching another street. He said he and his team members went to 216th Street in response to a radio call advising there was a prowler in the yard two houses east of where the suspect was ultimately caught.

> **I.A.B. Note:** I identified a call at 2148 hours on May 29, 2002, reporting a prowler from [redacted]. This is the home of Witness [redacted]. That call has been digitally recorded and will be maintained with the other digital files relating to this case

[redacted]

Deputy Vernola said as they searched in a westerly direction, they were moving toward the garage where the suspect was caught. Deputy Vernola said at one point he looked over a fence into the yard of [redacted] 216th Street. He said he noted there was a small entry door on the garage which was open. He said a short time later he noticed the same door was closed. He said this led him and Deputy Burwell to believe the suspect(s) were possibly hiding in the garage.

Deputy Vernola said they summoned the other search team to their location. He said Deputy Wainie and Deputy Marchello contacted the primary resident of the house and learned the garage had been converted into living quarters. Deputy Vernola said during this time he was maintaining containment of the large pull-up garage door, which is on the west side of the garage. He said the other deputies evacuated several occupants from the garage. Once all the occupants were out, he said he and other deputies went to the north side of the garage. He said Deputy Wainie went to the small door and made an announcement that he was going to release a police dog. Deputy Vernola said he did not recall the particular wording he used, but it was something to the effect of, "We're going to deploy a police dog, come out: If you don't come out, you could be bitten." Deputy Vernola said he believed anyone in the garage could have heard the announcement. Deputy Vernola said during this time he moved his position adjacent to the door on the north side, where Deputy Wainie was. He said he was about four feet away from Deputy Wainie. He said the dog was barking prior to being sent into the garage. He said the dog entered the garage and Deputy Wainie followed within moments. He said he also stepped into the garage.

I.A.B. Note: I viewed the garage room where the suspect was captured on July 31, 2002. The room is approximately six feet wide and 10 feet long. There was a twin size bed against the wall which took up most of the room. There is a bathroom at the far end of the room. This bathroom has a secondary door which leads to another room in the garage.



Deputy Vernola said the dog emerged a few seconds later. Deput y Vernola said he suggested the dog check the area again. He said he held a containment on a door which allowed access to the bathroom. He said Deputy Wainie sent the dog back into the garage and he moved to a position near a bed. He said he saw the dog go to the bathroom door and heard him engage the suspect. He said he was not able to see the dog engage the suspect because a wall blocked his view, but he said he heard the dog making sounds that he associated with the dog biting or holding the suspect. He said he heard the suspect yelling and Deputy Wainie saying, "leave the dog alone, leave the dog alone and stop resisting." Deputy Vernola said the dog was biting the suspect for abut three seconds. He said Deputy Wainie got the dog off the suspect and out of the bathroom area. He said he walked around the dog and saw the suspect laying on the shower floor. He said he ordered the suspect to crawl out of the shower area and onto the floor to confirm he was not laying on a weapon. Once on the floor, he said he handcuffed the suspect. He said Deputy Marchello came to his aid and they escorted the suspect out of the garage.

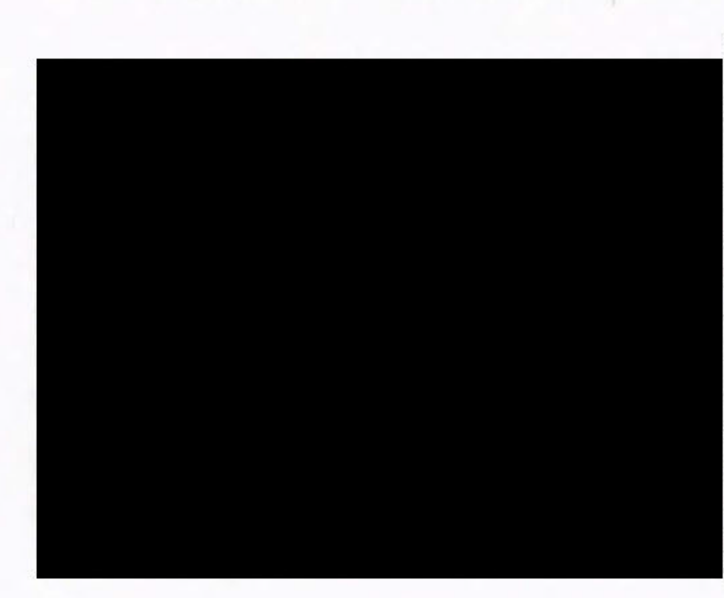
The interview was ended at 1218 hours.

Deputy Ronald Marchello #[redacted]

[redacted]

On Wednesday, June 11, 2002, at about 1625 hours, I interviewed Deputy Ronald Marchello at Lakewood Station. The interview was digitally recorded.

Deputy Marchello said on May 29, 2002, he was dispatched to the City of Hawaiian Gardens, to assist with a search for carjacking suspects. He said he was assigned as part of a search team with a canine unit. He said the team consisted of the canine handler [Deputy Wainie] a Norwalk deputy [Deputy Shigo] and Sergeant Martinez.



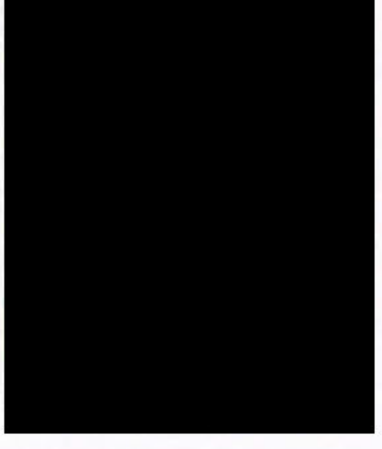
Deputy Marchello said they searched several yards and ultimately came to [redacted] 216th Street. He said they were summoned to that location by the other search team. He said he learned that the other team had seen a garage door open at one point and then closed. He said they learned from the resident of the actual house that the garage was converted into living quarters. He said they had a man exit a door on the west side of the garage. He said he walked around to the north side of the garage and noticed another door. He said another man exited that door. The man told him his wife and children were in the house. They had them exit as well.

> **I.A.B. Note:** Deputy Marchello's recollection of direction is inaccurate. In reality, the man, woman, and two children were in the room which is accessed from the east side of the garage. The lone man was in the room which is accessed from the north side of the garage.

Deputy Marchello said he maintained a position on the northwest corner of the garage, where he could see both doors. He said he was about ten feet from Deputy Wainie and heard him yell announcements about the presence and use of the police canine. He said these announcements lasted 30 seconds to one minute. He said during this time the dog was becoming excited. He said upon deploying the dog, he believed it came out and had to be send in again. He said Deputy Wainie initially remained outside for 5-10 seconds, then entered the doorway. He said the dog was in the garage for about a minute before he heard activity that he associated with the dog finding someone. He said he heard these sounds for about 30 seconds. He said he walked around to the door where the dog entered the garage and saw Deputy Wainie standing near the bathroom door. He said he could not see what was happening inside.

The interview was ended at 1638 hours.

Deputy Paul Shigo #[redacted]



On Wednesday, June 11, 2002, at about 1516 hours, I interviewed Deputy Paul Shigo at Norwalk Station. The interview was digitally recorded.

Deputy Shigo is assigned to Norwalk Station. Deputy Shigo said on May 29, 2002, he was dispatched to the City of Hawaiian Gardens, in Lakewood Station's jurisdiction, to assist with an area search for carjacking suspects. He said upon his arrival he was directed to be part of a search team with one of the canine handlers (He did not recall the handler's name), Deputy Marchello, and a Lakewood sergeant. He said they searched several yards and ultimately came to [redacted] 216th Street.

He said he was at a position at the front of the garage about 10-15 feet behind Deputy Wainie. He said he saw a man, woman and two children exit the garage. He said he heard the canine handler make announcements at the door to the effect of, "If you're inside come out with your hands up. We're going to send in a dog, the dog will bite you if you don't come out: This is your opportunity to give up: You won't be hurt if you come out now." He said he clearly heard the announcement and it was his opinion that anyone in the garage would have heard it.

Deputy Shigo said at that point the dog was "pretty excited" and was barking. He said the dog went into the garage and the handler followed a few seconds later. He said about 15 seconds elapsed before he heard any activity. Deputy Shigo said he never went into the garage and remained at his position at the front of the garage.

The interview was ended at 1523 hours.

Sergeant Jessie Martinez #[redacted]



On Monday, July 29, 2002, at about 2234 hours, I interviewed Sergeant Jessie Martinez. Sergeant Martinez is a patrol sergeant at Lakewood Station. The interview was digitally recorded.

Sergeant Martinez said he drove to the City of Hawaiian Gardens in response to an area search for two carjacking suspects, wherein two canine units were being deployed. He said he went with one of the teams, as the team supervisor, and to be on hand for any possible force incidents that may occur. He said he was on the team with Deputy Wainie and his k-9 and Deputies Shigo and Marchello. He said the search ultimately led them to a rear garage at [redacted] 216th Street.

Sergeant Martinez said he believed one of the deputies spoke to the resident at the house and determined the garage had been converted into living quarters. He said they went to the garage and had the residents exit. He said there was a man, his wife, and their two small children. He did not know their names. He said they also learned from this man, the garage was further subdivided into two separate living areas and a lone male lived in the other part. He said the two divided areas each

have an entry door. He said they went to the other door and had a lone male exit. Sergeant Martinez said at that point Deputy Wainie stood at the threshold of the door and yelled what he (Sergeant Martinez) characterized as a "standard canine announcement." Sergeant Martinez said he was about ten feet behind Deputy Wainie and clearly heard the announcement. He also said it was his opinion that anyone in the garage could have heard it as well. He said he did not recall if the dog was barking at that point.

Sergeant Martinez said Deputy Wainie released his dog into the room, but the dog emerged after only a few seconds. He said Deputy Wainie instructed the dog to go back into the room and search further, because it was obvious the dog could not have searched the room in the short amount of time it was inside. He said the dog went back into the room. He said after a short period of time he heard the dog barking and a person yelling. He said he and the other personnel were still outside the garage. He said after hearing the yelling, he, Deputy Wainie and Deputy Tom Vernola, who apparently joined the group, entered the garage room. Sergeant Martinez said he did not see much when they entered the room because he was in the rear. He said he never saw the dog actually biting the suspect. He said the suspect was handcuffed and taken out of the garage, where paramedics were immediately summoned.

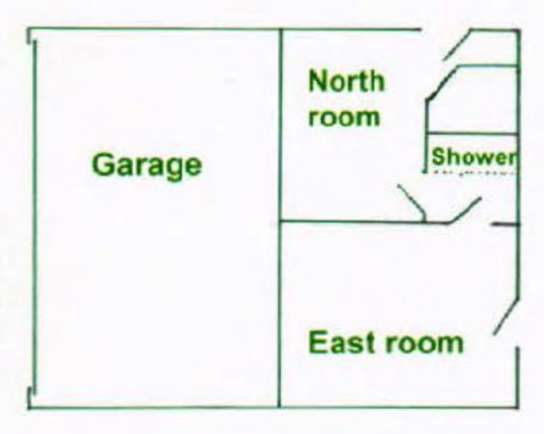
The interview was ended at 2247 hours.



Mr. [redacted]

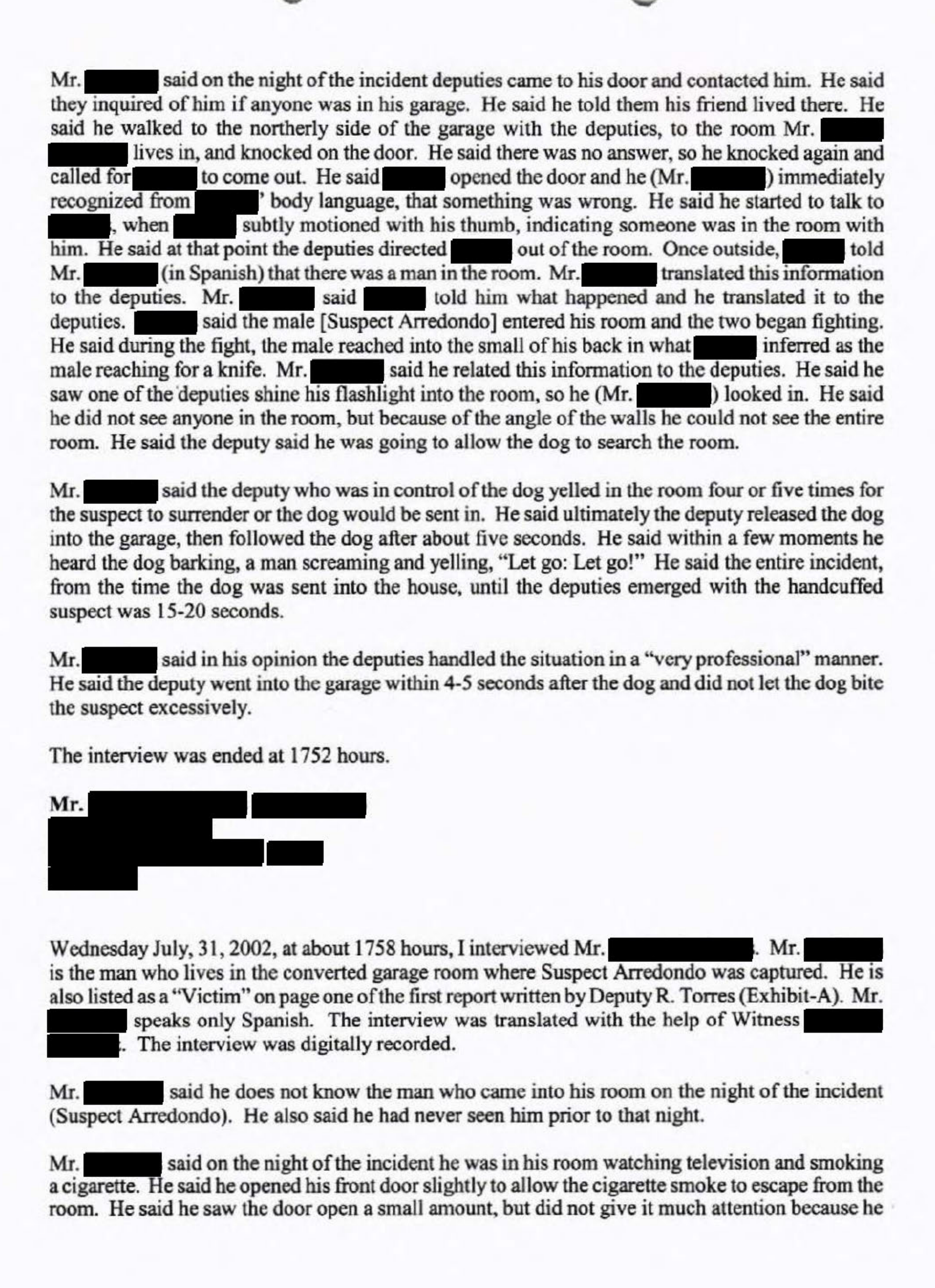
On Wednesday, July 31, 2002, at about 1741 hours, I interviewed Mr. [redacted], at his home. Mr. [redacted] is the resident of the primary house where Suspect Arredondo was captured. The interview was digitally recorded.

Mr. [redacted] said he was home when the incident occurred and he spoke to the deputies. Mr. [redacted] also identified the individuals who were living in his converted garage.



Mr. [redacted] showed me his garage. The garage is divided in half. The front half serves as a garage/storage area with access to it through the large pull-up door. The back half of the garage is divided into two separate rooms, with a common bathroom connecting them. Each of the rooms also has a standard entry door.

Mr. [redacted] said one of his employees, Mr. [redacted], lives in the northerly room. He said another friend, Mr. [redacted], lived in the easterly room. He said Mr. [redacted] has since moved from the garage and he does not know his whereabouts. Further, Mr [redacted] could not provide me with any information about Mr. [redacted], which would help me to identify or locate him. Mr. [redacted] said on the night of the incident, Mr. [redacted]' girlfriend and her two children were visiting him. He said he did not know the girlfriend's name of address.



Mr. [redacted] said on the night of the incident deputies came to his door and contacted him. He said they inquired of him if anyone was in his garage. He said he told them his friend lived there. He said he walked to the northerly side of the garage with the deputies, to the room Mr. [redacted] lives in, and knocked on the door. He said there was no answer, so he knocked again and called for [redacted] to come out. He said [redacted] opened the door and he (Mr. [redacted]) immediately recognized from [redacted]' body language, that something was wrong. He said he started to talk to [redacted], when [redacted] subtly motioned with his thumb, indicating someone was in the room with him. He said at that point the deputies directed [redacted] out of the room. Once outside, [redacted] told Mr. [redacted] (in Spanish) that there was a man in the room. Mr. [redacted] translated this information to the deputies. Mr. [redacted] said [redacted] told him what happened and he translated it to the deputies. [redacted] said the male [Suspect Arredondo] entered his room and the two began fighting. He said during the fight, the male reached into the small of his back in what [redacted] inferred as the male reaching for a knife. Mr. [redacted] said he related this information to the deputies. He said he saw one of the deputies shine his flashlight into the room, so he (Mr. [redacted]) looked in. He said he did not see anyone in the room, but because of the angle of the walls he could not see the entire room. He said the deputy said he was going to allow the dog to search the room.

Mr. [redacted] said the deputy who was in control of the dog yelled in the room four or five times for the suspect to surrender or the dog would be sent in. He said ultimately the deputy released the dog into the garage, then followed the dog after about five seconds. He said within a few moments he heard the dog barking, a man screaming and yelling, "Let go: Let go!" He said the entire incident, from the time the dog was sent into the house, until the deputies emerged with the handcuffed suspect was 15-20 seconds.

Mr. [redacted] said in his opinion the deputies handled the situation in a "very professional" manner. He said the deputy went into the garage within 4-5 seconds after the dog and did not let the dog bite the suspect excessively.

The interview was ended at 1752 hours.

Mr. [redacted]

Wednesday July, 31, 2002, at about 1758 hours, I interviewed Mr. [redacted]. Mr. [redacted] is the man who lives in the converted garage room where Suspect Arredondo was captured. He is also listed as a "Victim" on page one of the first report written by Deputy R. Torres (Exhibit-A). Mr. [redacted] speaks only Spanish. The interview was translated with the help of Witness [redacted]. The interview was digitally recorded.

Mr. [redacted] said he does not know the man who came into his room on the night of the incident (Suspect Arredondo). He also said he had never seen him prior to that night.

Mr. [redacted] said on the night of the incident he was in his room watching television and smoking a cigarette. He said he opened his front door slightly to allow the cigarette smoke to escape from the room. He said he saw the door open a small amount, but did not give it much attention because he

thought it was Mr. [redacted]. He said moments later the door opened quickly and a man came into his room. He said he confronted the man. He said the man told him nothing was going to happen to him and to sit down. He said gangs were chasing him, he was hiding, and again told Mr. [redacted] to sit down. Mr. [redacted] said he told the man he had to leave because his landlord (Mr. [redacted]) did not like other people at the house. Mr. [redacted] said he started to physically push the man out of his room, but he man reached to the small of his back, as if he was reaching for a weapon. Mr. [redacted] said he was afraid, so he stopping struggling with the man. He said the man turned out the lights in the room and instructed Mr. [redacted] not to open the door when the deputies knocked on it. However, when Mr. [redacted] knocked on the door, Mr. [redacted] told the suspect it was his landlord and he had to open the door.

Mr. [redacted] said the man was standing just inside the door the first time Mr. [redacted] knocked, then ran into the bathroom prior to Mr. [redacted] opening the door. It was at that point Mr. [redacted] motioned with his finger to Mr. [redacted] that someone was in the house.

The interview was ended at 1808 hours

> **I.A.B. Note:** Mr. [redacted] gave Deputy Torrez a statement which is detailed in the First Report (Exhibit-A). There are minor discrepancies in the two statements.

Ms. [redacted]

Sergeant Robert Guilbault of Special Enforcement Bureau, K-9 Unit, interviewed Ms. [redacted] at her home after the incident, at about 2356 hours on May 29, 2002. The interview was audio recorded.

Ms. [redacted]'s house is [redacted] houses east of the location where Arredondo was found and on the same side of 216th Street. Ms. [redacted] said preceding the incident she was in her house and heard the P.A. announcement warning people to stay in their homes because there was a police k-9 in the area.

Ms. [redacted] did not witness the capture of Arredondo.

Mr. [redacted]

Sergeant Robert Guilbault of Special Enforcement Bureau, K-9 Unit, interviewed Mr. [redacted] at his home after the incident, at about 2356 hours on May 29, 2002. The interview was audio recorded.

Mr. [redacted] house is [redacted] houses east of the location where Arredondo was found. It is one street to the south and on the north side of Tilbury Street. Mr. [redacted] said preceding the incident he was in his house and heard the P.A. announcement warning people to stay in their homes because there was a police k-9 in the area.

Mr. [redacted] did not witness the capture of Arredondo.

SUSPECT STATEMENTS:

Suspect David Arredondo, Bk#7298844



On Friday, May 31, 2002, at about 1022 hours, I interviewed David Arredondo at Men's Central Jail. The interview was digitally recorded.

Arredondo said after running, he hid in the garage and could not hear what was happening because there was a television on in the living area. He said the residents did not know he was there. He said he did not know the deputies were using police dogs and never heard any announcements stating they were. He said the first time he was aware a police dog was being used is when he heard it barking outside the door of the garage, about 15 feet from him.

He said prior to becoming aware there was a police dog at the location, he heard the deputies talking about conducting a "sweep" of the back. He said he surmised this meant they were going to make sure he could not run out the rear of the garage. He said he also heard them talking about two children in the room and then about the children being clear of the location. He said at that point he heard the dog barking at the door. He said the dog and "his trainer" came into the bathroom and he saw the shadow of the dog as he sat, curled in a ball, in the corner of the stand-up shower. He said he never heard the deputies make any announcement about using a police dog. He said the dog took a drink out of the toilet, sniffed around, and walked out of the bathroom. Arredondo described the "trainer." His description was consistent with that of Deputy Wainie.

Arredondo said the dog returned to the bathroom while he was curled in a "fetal position," in the shower, with him hands over his face. He said the deputy pulled back the shower curtain and he felt the dog sniffing near his head. Arredondo said he never put up a fight or provoked the dog. He said he extended his arms and said, "I give up: I ain't got nothing." He said at that time the deputy commanded the dog to bite him. He said during this time, the deputy was smiling at him and giving the dog a command which he could not remember, except that it was possibly a two letter word. He said the deputy gave the command at least five times. He said he did not see any other deputies. Arredondo said the dog first tried to bite him on the right wrist. He said he put his head down, but kept his hands extended in front of him. He said he told the deputy, "Hey, get your dog off me. I give up." He said at that time the dog bit his head and he saw his ear fall on the ground. He said he continued to yell louder for the deputy to get the dog off him, but the dog bit him in a different part of his head. He said he was squatting on his legs and he tried to get up as he told the deputy he "gave up." He said at that time the dog began biting his [right] arm. Arredondo said during this time the deputy was smiling at him and said, "That's what you get for carjacking." or "That will teach you not to carjack nobody."

He said another deputy arrived within moments. The description of this deputy is consistent with that of Deputy Vernola. He said he was directed to crawl out of the shower, where he was handcuffed.

The interview was ended at 1037 hours.

INJURIES/MEDICAL TREATMENT:

Tri-City Medical Center
21530 S. Pioneer Boulevard
Hawaiian Gardens, Ca. 90716
(562) 860-0401
Dr. Amable R. Aguiluz

Suspect Arredondo was taken to Tri-City Medical Center and treated by the medical staff under the direction of Dr. Amable R. Aguiluz.

Arredondo received 40 sutures to reattach his right ear, six sutures for a laceration on the rear of his scalp, and abrasions to his right arm.







PHYSICAL EVIDENCE:

None.

INVESTIGATOR OBSERVATIONS:

None

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR/CHARGES FILED:

The criminal investigation was conducted by Detective Mark Brooks from Safe Street Bureau - Lakewood O.S.S. One count of Carjacking (215 P.C.) Was filed against Suspect Arredondo in the Southeast Judicial District (Norwalk), Case #VA071327. On June 21, 2002, Suspect Arredondo pled guilty to 215 P.C. in Superior Court, Department D-07. He was sentenced to five years state prison.